

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARGARET MUSOKE,

Plaintiff,

v.

KEYBANK NATIONAL  
ASSOCIATION, et al.,

Defendants.

C12-1153 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' motion for summary judgment, docket no. 29, and motion to dismiss, docket no. 32, are STRICKEN without prejudice to refile as further explained below. The trial date of September 4, 2013, and the related deadlines set forth in the Minute Order entered on September 26, 2012, docket no. 7, are also STRICKEN.

(2) Plaintiff is DIRECTED to appear for a deposition on a date and time agreed upon by plaintiff and defendants' attorney, provided that such deposition shall occur within thirty-five (35) days of the date of this Minute Order. Plaintiff shall cooperate in the scheduling of such deposition and shall cooperate in answering the questions posed by defendants' attorney. Defendants may depose plaintiff for a total of seven (7) hours, excluding lunch and other breaks. Any notice of deposition shall be served at least ten (10) days prior to the date of the deposition.

(3) Within fourteen (14) days of the date of this Minute Order, plaintiff shall provide to defendants' attorney any and all documents responsive to defendants' discovery requests. Moreover, if plaintiff has not already done so, within fourteen (14) days of the date of this Minute Order, plaintiff shall serve, by mailing to defendants' attorney, her responses to defendants' interrogatories, requests for admission, and/or other written discovery requests.

1 (4) Within fourteen (14) days of the date of this Minute Order, Plaintiff shall  
2 file proof of service of her discovery responses, thereby indicating her compliance with  
Paragraph 3, above.

3 (5) Plaintiff is ADVISED that, if she does not comply with Paragraphs 2, 3,  
4 and 4, above, the Court will dismiss this action with prejudice pursuant to Federal Rule of  
Civil Procedure 41(b) for failure to prosecute and failure to comply with the rules and  
5 order of the Court. Plaintiff is REMINDED that she is held to the same standards as  
6 lawyers authorized to practice before this Court. Plaintiff has an obligation to answer  
proper discovery requests, appear for deposition, and otherwise provide to defendants  
7 information concerning the nature and extent of her claims and damages. Plaintiff's  
failure to disclose documents in response to defendants' discovery requests, failure to  
8 appear for her deposition on two separate occasions, and failure to participate in Court-  
ordered mediation constitute unacceptable breaches of the rules and orders of this Court.  
9 Moreover, plaintiff has engaged in a pattern of agreeing to dates and schedules, only to  
renege later. This behavior is inappropriate. No further violations of the Court's rules  
and/or orders will be tolerated.

10 (6) To the extent plaintiff is operating under a misimpression that she is  
entitled to counsel, plaintiff is ADVISED that, as a civil litigant, she has no such right.  
11 To the extent plaintiff's submissions, docket nos. 34 and 37, seek appointment of  
counsel, such motion is DENIED. If plaintiff wishes to have legal representation, she  
12 bears the responsibility for retaining a lawyer and arranging for counsel to appear on her  
behalf in this case. No further continuances or extensions will be granted on the ground  
13 that plaintiff desires an attorney.

14 (7) If plaintiff complies with Paragraphs 2, 3, and 4, above, and defendants  
thereafter wish to renew their motion for summary judgment, they may do so on or before  
15 August 15, 2013. Plaintiff's response and any reply by defendants shall be due on the  
timing set forth in Local Civil Rule 7(d)(3). Plaintiff is ADVISED that, in response to  
16 any motion for summary judgment, she must provide affidavits or declarations of herself  
and/or others, based on personal knowledge, setting forth facts that would be admissible  
17 in evidence, and that, to survive any motion for summary judgment, she must show either  
that a genuine dispute as to a material fact exists or that the movant is not entitled to  
18 judgment as a matter of law. A letter like the one plaintiff previously submitted, docket  
no. 37, which is not sworn (not signed under penalty of perjury), and which contains no  
19 facts, but only accusations against defendants' attorney and other conclusory statements,  
will not suffice to defeat summary judgment. Plaintiff is REMINDED that her claims are  
20 alleged against KeyBank National Association ("KeyBank"), and she is ADVISED that  
making disparaging comments about defendants' counsel serves no purpose and will not  
21 avoid summary judgment in KeyBank's favor on her claims.

22 (8) If plaintiff fails to comply with Paragraphs 2, 3, and 4, above, defendants  
may renew their motion to dismiss. They may do so after July 22, 2013, and on or before  
23

1 August 8, 2013, provided that they submit proof of service showing compliance with  
2 Paragraph 4 of the Minute Order entered March 14, 2013, docket no. 27, and provided  
3 that defendants' attorney has made all best efforts to schedule and conduct plaintiff's  
4 deposition.

5 (9) The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record and to plaintiff pro se.

7 Dated this 13th day of June, 2013.

8 William M. McCool  
9 Clerk

10 s/Claudia Hawney  
11 Deputy Clerk